

**PROCEEDINGS OF THE BROWN COUNTY  
CRIMINAL JUSTICE COORDINATING BOARD**

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the **Brown County Criminal Justice Coordinating Board** was held on Tuesday, October 25, 2011 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

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**Present:** Judge Kendall Kelley-Chair, Brian Shoup, Pat Evans, Jason Beck, John Gossage, Jed Neuman, Larry Malcomson  
**Excused:** Tom De Wane, Jim Arts, John Zakowski, Lesley Green  
**Citizen Reps:** Tim McNulty, Jeffrey Jazgar

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1. **Call Meeting to Order.**

The meeting was called to order by Chair Judge Kendall Kelley at 3:37 p.m.

2. **Approve/Modify Agenda.**

**Motion made by Patrick Evans, seconded by Brian Shoup to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

3. **Approve/Modify Minutes of May 31, 2011.**

**Motion made by Patrick Evans, seconded by Jeffrey Jazgar to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

4. **Board Planning and Membership.**

Chair Judge Kelley stated that there were several positions on this Board that were up for renewal. These positions are currently occupied by Tim Mc Nulty and Lesley Green. Tim Mc Nulty indicated that he would be interested in staying on as a citizen rep and Judge Kelley stated he would recommend the appointment. Supervisor Evans suggested that Judge Kelley send Lesley Green a letter asking if he had any interest in this Board. Sheriff Gossage stated he had spoken with Supervisor De Wane, Chairman of the Public Safety Committee, and De Wane was not aware that he was supposed to be part of the Board but would be interested in participating.

Human Services Director Brian Shoup advised the Board that he had some people working on an alternative to youth state correctional placements. He stated that the costs have continued to rise and state aid continues to decrease. Corrections is raising their per diems and Shoup noted that once a child is placed at Lincoln Hills, the County loses all control. Shoup stated that if this Board would be interested in hearing more about this, he would be happy to bring in some of the people who have been working on this to talk about some of the things they have been doing. Judge Kelley stated he will add this to a future agenda and would be particularly interested in hearing about the cost savings.

5. **Veterans' Court**

Judge Kelley reported that Veterans' Court should be ready to go online on Veterans' Day (November 11) and he expected to have a press conference in conjunction with this. He also stated that the Veterans' Court committee had recently traveled to Eau Claire to observe their Veterans' Court. They are working out the final details on the Court with the emphasis on making the best use of available resources instead of incurring any new taxpayer expenses. They continue to work on tweaking some of the issues with regard to eligibility.

**Motion made by Patrick Evans, seconded by Brian Shoup to receive and place on file Items 4 & 5. Vote taken. MOTION CARRIED UNANIMOUSLY**

**6. Jail Overcrowding**

Judge Kelley stated that Judge Zuidmulder stopped by the last meeting to see about addressing issues of jail overcrowding, however, there was not a quorum present. Judge Zuidmulder indicated that he would try to attend today's meeting to talk to the Board regarding the possibility of creating an ad hoc committee to look at the current issues with regard to jail overcrowding and what the most efficient way to respond to this would be.

Sheriff Gossage stated that thanks to the efforts of Jail Captain Larry Malcomson and his staff, the jail is currently at 87% capacity. They have increased the electronic monitoring population from 50 to 82 inmates as of today's date and this has allowed them to close a pod which saves on overtime and thus saves taxpayer money. Gossage is very pleased with these efforts but he still believed that there should be continued effort with probation and parole in trying to reduce the amount of time it takes to process probation and parole revocation holds.

Jed Neuman of Probation and Parole stated that the time for review of holds for minor technical violations that do not involve risk to the public had been shortened from five days to three days. He also stated that there are some defense attorneys who routinely ask for postponements and although probation and parole routinely objects to these requests, the ALJ typically grants them and this is something probation and parole has no control over. Neuman stated that they are examining this process to find ways to speed it up and one thing that had been considered is fast tracking cases. He stated that there is proof that fast tracking benefits both the victims and the perpetrators. The other thing that would be available to probation and parole would be sentencing after revocation.

Judge Kelley explained imposed and stayed sentences. He stated that the judge had the option of sending someone to prison or jail or placing them on supervision which can be done in the context of straight probation. Under an imposed and stayed sentence, if there is a violation that results in revocation, it does not go back to court, but instead the defendant would go directly to jail to begin the sentence, thus eliminating the layer of judicial review.

Judge Kelley also stated that it is difficult to find time on a judge's calendar for sentencing after revocation hearings due to large caseloads. If the judge does not have any time open up, the offender could have to wait quite a while which can become problematic in that sometimes they run up against the maximum sentence while waiting for a court date. It was Judge Kelley's understanding that one of the reasons Judge Zuidmulder was looking to form an ad hoc committee was to address these issues and come up with possibilities for expediting the process and try to find a different way to fast track the notification process. Judge Kelley also stated that the revocation timeline can also be increased because the court report now has to generate a transcript for the sentencing which can add additional time.

Sheriff Gossage stated that he felt that probation and parole has done a good job of purging the system of probation holds as much as possible but he felt that there is a lot of education that needs to be done. Gossage is frustrated with persons sitting in jail three, four or five months for revocations when the jail does not know what is going on with them.

Jeff Jazgar stated that there is a whole litany of issues that come into play. Many times defense attorneys ask for adjournments because they have not received the revocation packet from

probation and parole. Also, the public defender has to appoint attorneys for many of these offenders because they cannot afford private attorneys and that process also takes time. Jazgar felt that all parties involved would have to join together to make the process proceed in a more expeditious manner.

Judge Kelley stated that judges are not supposed to determine someone's sentence based on what the cost of housing the inmate would be, but knowing that they can accomplish the purpose of sentencing in a way that is more cost effective to the community is not a violation of their obligations and he felt additional information in this regard would be very beneficial.

**Motion made by John Gossage, seconded by Jed Neuman to create an ad hoc subcommittee to address the issues of jail overcrowding. Vote taken. Evans abstained. MOTION CARRIED.**

Judge Kelley stated that along with Judge Zuidmulder, this ad hoc committee should include representatives from Probation and Parole, Public Defenders Office, District Attorney's office and the Sheriff's Department and Jail.

7. **Such other matters as authorized by law.**

Jed Neuman stated that he was asked to bring up the possibility of creating a mental health treatment court to operate similar to drug court and veteran's court. He felt a mental health treatment court could lead to cost savings to the Human Services Department as it would help alleviate this population from being placed in jail. Neuman stated that this request came from the CCIT (Community Crisis Intervention Team). Neuman explained that this team is represented by a number of agencies in Brown County who are partnering with law enforcement primarily in Green Bay because they are moving to district policing. They felt they could be proactive in assisting by checking on people during down time. Judge Kelley stated that the first thing they would need to do is find an available judge. He asked Neuman to put together some sort of model and pondered if this could be added to the mental health rotation now. Neuman stated that the only model he is aware of would be drug court and veteran's court.

Human Services Director Brian Shoup felt the challenge with a mental health court would be the breadth of all the disorders running from psychosis to conduct disorders. He felt this would be challenging and much more complicated than anything that had been done so far in terms of treatment courts.

Judge Kelley stated he would bring this up with Judge Zuidmulder at their next judge's meeting to see if anyone had an interest in helping to create a mental health treatment court.

8. **Adjourn**

**Motion made by Patrick Evans, seconded by Jeffrey Jazgar to adjourn at 4:32 p.m. Vote taken. MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Therese Giannunzio  
Recording Secretary